

SULLIVAN & CROMWELL LLP

TELEPHONE: 1-212-558-4000

FACSIMILE: 1-212-558-3588

WWW.SULLCROM.COM

125 Broad Street
New York, NY 10004-2498

LOS ANGELES • PALO ALTO • WASHINGTON, D.C.

FRANKFURT • LONDON • PARIS

Via ECF

January 5, 2015

Hon. Denise L. Cote,
United States District Judge,
500 Pearl Street, Room 1610,
New York, NY 10007-1312.

Re: *FHFA v. Nomura Holding America, Inc.*, No. 11-cv-6201 (S.D.N.Y.)

Dear Judge Cote:

I write on behalf of the Nomura and RBS defendants regarding proposed redactions to certain materials that they will file later today in opposition to plaintiff's Motion to Exclude Expert Testimony of Stephen G. Ryan and plaintiff's Motion to Exclude the Opinion and Testimony of Defendants' Expert Timothy J. Riddiough. In addition, defendants intend to file a *Daubert* motion later today. Several exhibits to these materials have been designated by plaintiff as "Highly Confidential" or "Confidential" under the First Amended Protective Order, dated January 11, 2013, and defendants are therefore filing these materials under seal, pursuant to Paragraph 9 of that Order.

In order to give plaintiff the opportunity to review the documents, defendants respectfully request that the parties be given (a) until January 13, 2015 to meet and confer regarding proposed redactions, and (b) until January 20, 2015 to file a joint submission listing the agreed-upon redactions, as well as any redactions to which a party objects. Plaintiff consents to this proposed schedule.

Respectfully submitted,

/s/ David B. Tulchin

David B. Tulchin